



CRL MP(MD) No.12185 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Fifteenth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL MP(MD) No.12185 of 2024

in

CRL RC(MD) No.1147 of 2024

SEKHARA PILLAI

... Revision Petitioner / Appellant /
Accused No.1

Vs

THE INSPECTOR OF POLICE,
AWPS KUZHITHURAI,
KANNIYAKUMARI DISTRICT.
(CRIME NO. 05/1998)

... Revision Respondent / Respondent /
Complainant

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence by granting bail in the order passed by Honble Addl Sessions Judge, Kuzhithurai, Kanniyakumari District in his C.A no. 22/2014 dt. 17.10.2024 in confirming the judgment of the learned Judicial Magistrate court No.I, Kuzhithurai, Kanniyakumari District in C.c.No.353 of 1998 dated 08.05.2014 till the disposal of the criminal revision.

Prayer in CRL RC(MD). 1147/ 2024 :

To admit this revision petition on file, to call for the records from the lower court and duly set aside the order passed by the Honble Addl Sessions Judge,



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Kuzhithurai, Kanniyakumari District in his C.A No. 22/2014 dt. 17.10.2024 in confirming the judgment of the learned Judicial Magistrate Court No.I, Kuzhithurai, Kanniyakumari District in C.C.No.353 of 1998 dated 05.05.2014 by allowing this revision.

Order : This criminal miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/s.K. PRABHU, Advocate for the petitioner and of Mr.M.VAIKKAM KARUNANITHI, Government Advocate (Crl. side) on behalf of the Respondent, while admitting the criminal revision case, the Court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed against the petitioner by the learned Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari District in C.C.No.353 of 1998, dated 08.05.2014, which was confirmed in Criminal Appeal No.22 of 2014, dated 17.10.2024, by the learned Additional Sessions Judge, Kuzhithurai, Kanniyakumari District, pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.1147 of 2024.

2. Based on a complaint given by the de-facto complainant, a First Information Report, in Crime No.5 of 1998, came to be registered by the respondent police as against the accused for the offence under Sections 498(A), 406 of IPC read with Sections 3, 4 and 6 of Dowry Prohibition Act.

3. The respondent, after completing the investigation, has filed the final report and the same was taken on file in C.C.No.353 of 1998 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari District.



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4. The learned counsel appearing for the petitioner submitted that the petitioner/A1 has been convicted by the trial Court on 08.05.2014, and the trial Court sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.500/- (Rupees Five Hundred only), in default, to undergo simple imprisonment for a period of one month for the offence under Section 498(A) of IPC, and to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.500/- (Rupees Five Hundred only), in default, to undergo simple imprisonment for a period of one month for the offence under Section 406 of IPC, and to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.3,000/- (Rupees Three Thousand only), in default, to undergo simple imprisonment for a period of two months for the offence under Section 3 of Dowry Prohibition Act, and to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/- (Rupees Five Hundred only), in default, to undergo simple imprisonment for a period of one month for the alleged offence under Section 4 of Dowry Prohibition Act, and the sentences were ordered to run concurrently.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.22 of 2014 on the file of the learned Additional Sessions Judge, Kuzhithurai, Kanniyakumari District. The learned



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Additional Sessions Judge, Kuzhithurai, Kanniyakumari District by confirming the said conviction and sentence, dismissed the appeal on 17.10.2024. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Revision Case before this Court along with this Miscellaneous Petition seeking suspension of sentence.

6. It is submitted by the learned counsel for the petitioner that the petitioner is the senior citizen, who is aged about 62 years. He has also submitted that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses. He further submitted that the petitioner has paid the fine amount, imposed on him, before the trial Court.

7. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence, he opposed to grant suspension of sentence.

8. This Court has carefully considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent, and has also perused the materials available on record.



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9. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case, and also there are certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further, the criminal revision is not likely to be taken up for final hearing in the near future, and also considering the age of the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

10. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari District.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the trial Court once in a



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month i.e., on the first working day of every English calendar

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month at 10.30 a.m., until further orders.

sd/-
15/11/2024

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/11/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN

To

- 1.The Additional Sessions Judge,
Kuzhithurai,
Kanniyakumari District.
- 2.The Judicial Magistrate No.I,
Kuzhithurai,
Kanniyakumari District.
- 3.Do through the Chief Judicial Magistrate,
Kanniyakumari District at Nagercoil.
- 4.The Inspector of Police,
AWPS Kuzhithurai,
Kanniyakumari District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.PRABHU, Advocate (SR-14061[I] dated 15/11/2024)

ORDER
IN
CRL MP(MD) No.12185 of 2024
in
CRL RC(MD) No.1147 of 2024
Date :15/11/2024

ED/ VR /SAR- (23/11/2024) 7P / 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023